

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of

Application by SBC Communications Inc.,
Southwestern Bell Telephone Company,
and Southwestern Bell Communications
Services, Inc. d/b/a Southwestern Bell Long
Distance for Provision of In-Region,
InterLATA Services in Oklahoma

CC Docket No. 97-121

To: The Commission

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**SOUTHWESTERN BELL'S REPLY TO COMMENTS ON ITS
APPLICATION FOR PROVISION OF IN-REGION, INTERLATA SERVICES IN
OKLAHOMA, AND OPPOSITION TO PETITIONS TO DENY**

APPENDIX - VOLUME I

May 27, 1997

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In the Matter of Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance, for Provision of In-Region, InterLATA Services in Oklahoma	CC Docket No. <u>97-121</u>
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**REPLY AFFIDAVIT OF WILLIAM T. ADAIR
ON BEHALF OF SOUTHWESTERN BELL TELEPHONE COMPANY**

STATE OF KANSAS §
 §
COUNTY OF JOHNSON §

I, WILLIAM T. ADAIR, being duly sworn upon oath, do hereby depose and state as follows:

1. My name is William T. Adair. My first affidavit in this case describes how SWBT satisfies the numbering administration requirements of Section 271(c)(B)(2)(ix). In this affidavit, I will demonstrate that the suggestions of MCI, Cox and AT&T that SWBT has not satisfied its number administration responsibilities by MCI, Cox and AT&T in accordance with the Act are not valid.
2. As the Code Administrator in Oklahoma for the telecommunications industry, SWBT provides nondiscriminatory access to numbers for assignment to other carriers exchange service customers. As Code Administrator, Southwestern Bell has and will continue to use the assignment/administrative procedures contained in the Central Office Code (NXX) Assignment Guidelines, INC, 95-0407-008 (Exhibit 1). These guidelines for the assignment of central office codes were developed at the request of

the FCC, under the auspices of the Industry Carrier Compatibility Forum (ICCF) (now known as the Industry Numbering Committee), for the purpose assuring uniform application of assignment procedures for a finite numbering resource in the most efficient and effective manner possible.

3. As set out in detail below, the following comments by Cox both inaccurate and misleading:

“On January 7, 1997 in preparation for its provision of local exchange service, Cox reserved ten NXX codes for use in Oklahoma. Two months later, on March 13, SBC informed Cox that its reservations could not be honored and assigned, ostensibly because of an impending shortage of available NXX codes that had resulted in the declaration of the 405 area code as a ‘jeopardy NPA’. Instead, no more than a total of 10 NXX codes per month would be made available to all code applicants.” Cox goes on to say “A refusal to allocate sufficient telephone numbers to enable competing carriers to meet anticipated demand does not constitute nondiscriminatory access.”

4. On January 6, 1997 (one day before Cox Communications requested the reservation of 10 CO codes in the 405 NPA), SWBT in its capacity as Industry CO Code Administrator, notified the North American Numbering Plan Administrator (NANPA) that the 405 NPA was being placed in NPA Jeopardy. (Exhibit 2) On January 15, 1997 NANPA issued Planning Letter PL-NANP-031 notifying the Industry of the 405 Jeopardy situation. (Exhibit 3).
5. On January 28, 1997, SWBT, again in its capacity as Industry Code Administrator, issued a letter announcing the first industry meeting to be held to develop a specific NXX assignment plan associated with the Jeopardy condition within the 405 NPA (Exhibit 4). The Code Administrator conducted two Jeopardy meetings, one on

February 5, 1997 and the other on February 26, 1997. The Jeopardy assignment plan was finalized at the industry meeting held on February 26, 1997 (Exhibit 5).

6. Cox was sent all of the above correspondence relating to the Oklahoma jeopardy situation (Exhibit 6). Although invited to attend the Jeopardy meetings and voice any concerns it may have had with regard to the proposed handling of code assignments in Oklahoma, Cox failed to attend either meeting. This failure is particularly notable, given that Cox representatives did attend the 405 NPA relief meetings held on February 26, 1997 but failed to attend the 405 Jeopardy meeting held later that day in the same location.
7. Copies of the minutes of both the Jeopardy and 405 NPA relief meetings are attached as Exhibit 7. These minutes, including copies of the proposed Jeopardy Plan for the 405 NPA, were sent to all existing code holders and all identified potential code holders, including Cox. Item 8 of the 405 NPA Jeopardy Plan clearly states: "No code reservations will be allowed during the Jeopardy Plan." As discussed in the 405 Jeopardy meeting, this restriction on reserved codes applies to all existing and future code reservation requests. Despite these notifications, Cox did not provide comment - and did not voice any objection - to the terms of the proposed 405 NPA Jeopardy Plan.
8. The code reservation restriction contained in the 405 Jeopardy Plan applies to all industry participants. Accordingly, subsequent to approval of the Jeopardy Plan at the February 26, 1996 meeting, code "reservation" made by Cox in January was disallowed. On March 17, 1997, Cox was sent a letter notifying it that the 405 NPA

codes it previously had reserved were being retrieved consistent with the Jeopardy Plan (Exhibit 8).

9. Item 17 of the 405 NPA Jeopardy Plan states "Any dispute over the implementation of this Jeopardy Plan will be resolved with the involvement of the Code Administrator, the Industry Team and/or the OCC staff." Cox Communications has not filed any complaint or a dispute relating to the 405 Jeopardy Plan with the Code Administrator or the OCC staff.
10. Having been provided with all details of the 405 Jeopardy Plan prior to approval, and having failed to take advantage of numerous opportunities to object to its implementation, Cox should not now be heard to complain concerning Southwestern Bell's adherence to the Plan's requirements with regard to code reservations.
11. Having been provided with the exact same notice and opportunities as Cox, neither should MCI and AT&T be heard to complain that Southwestern Bell supposedly has "prematurely declared the 405 NPA to be in jeopardy," or that it has provided "provided unequal access to the numbering resource in the 405 NPA." The timing of the jeopardy declaration was never challenged by any participant in the industry process, nor in comment from any industry participants that chose not to participate in the process.
12. Moreover, any suggestion that the 405 NPA was declared in jeopardy prematurely flies in the face of fact. The 405 Jeopardy Plan, as developed by industry participants pursuant to guidelines established by Industry Numbering Committee (INC), provides fair, equal and non-discriminatory access to the NXX resource to all industry participants in the 405 area until NPA relief can be provided. Details regarding central

office code availability in the 405 NPA were provided to all industry participants during the jeopardy planning process. In addition, proposed implementation timelines for NPA relief for the 405 NPA were developed by the industry and forwarded to the OCC for its consideration.

13. MCI makes the vague and completely unsupported statement that "SWBT has not managed NXX resources efficiently" (para. 28). The facts of the situation demonstrate that SWBT, in performing its duties as Code Administrator, has managed the NXX resource and the NPA relief process in an efficient and responsible manner. Based on the historical demand and forecasted need (including increased demand expected to result from non-historical sources such as PCS and CLECs) for CO codes in the 405 NPA, it was not until the fourth quarter of 1996 that the prospects of a jeopardy in the 405 NPA could be substantiated. Once the need for relief was ascertained, SWBT immediately acted to ensure that an exhaustion of numbers did not occur. As outlined above, the 405 NPA relief process was conducted in an expedited fashion, and involved members from every industry segment as well as representatives of the Oklahoma Commerce Commission.
14. Based on the 405 NPA Jeopardy Plan, central office codes will be available on an equal basis to all industry participants providing service within the 405 NPA through April 1998, the projected end of the relief period. Assignment of central office codes to all carriers, including SWBT will be made on an impartial, first come/first served basis consistent with the Jeopardy Plan. Thus SWBT has addressed the concerns of MCI and others regarding equal access to numbers, by ensuring that all carriers will continue to have equal access to available numbers in the 405 NPA.

15. MCI contends that SWBT must "make it clear" that it will not attempt to allocate "less desirable codes" to its competitors in Oklahoma. SWBT, acting as Industry Code Administrator, provides fair, equal and identical access to the numbering resource to all code applicants in an NPA. Code requests are assigned on a totally random basis (literally by drawing numbers "out of a hat") when the code applicant does not request a specific code assignment. If a code applicant requests a specific code, the Code Administrator assigns the code if available. The Code Administrator routinely works with code applicants from all industry segments to facilitate their needs.
16. In footnote 11 of its affidavit, AT&T's Ms. Lancaster loosely references the concerns of Cox regarding number administration. As described above, SWBT did not inform Cox "it would not assign" codes to Cox. Rather, SWBT, acting as Code Administrator, notified Cox that the industry Jeopardy Plan did not allow for the "reservation" of CO codes. Also, contrary to Mr. Lancaster's assertion, SWBT did not "impose" a 10 code per month limit on the number of NXX codes it would assign to CLECs. This is a requirement of the Industry approved 405 Jeopardy Plan, based upon consideration of the number of months until NPA relief would likely occur and the number of central office codes available for assignment until NPA relief is obtained.
17. This code allocation plan does not apply only to CLECs. The 10 code total represents the total number of central office codes available for assignment by the code administrator in a month to ALL code applicants, including SWBT. This central office code allocation plan was developed by those industry participants responsible enough to participate in the process, and is a first come/first served plan applicable to all

industry participants. The Code Administrator treats all industry participants in a fair, impartial and consistent fashion, using the industry developed CO *Code (NXX)* *Assignment Guidelines* as a basis for this procedure.

The information contained in this affidavit is true and correct and to the best of my knowledge and belief.

William P. Brown

Subscribed and sworn to before me this 20th day of May, 1997

NOTARY PUBLIC

Charlotte J. Brown

CHARLOTTE J. BROWN
Notary Public - State of Kansas
My Appt. Expires 10/28/2000

My commission expires: 10/28/2000

ADAIR

EXHIBIT 1

INC

INDUSTRY NUMBERING COMMITTEE

UNDER THE AUSPICES OF THE CARRIER LIAISON COMMITTEE

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TELECOMMUNICATIONS**

Central Office Code (NXX) Assignment Guidelines

This revision incorporates agreements associated with the resolutions to INC Issues #099, #100 and #101 which have resulted in changes to Sections 1, 3.2, 3.2, 4.1 and 6.1.1. The forms associated with these guidelines have not been revised and can be obtained from the ATIS internet home page [www.atis.org].

INDUSTRY SOLUTIONS

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Appendices A to F

Central Office Code (NXX) Assignment Request and Confirmation Forms

- Part 1 - Request for NXX Code Assignment
- Part 2 - Routing and Rating Information (Forms 1-6)
- Part 3 - Administrator's AResponse/Confirmation
- Part 4 - Confirmation of Code Activation

1.0 Purpose and Scope of This Document

This document specifies guidelines for the assignment of central office codes (also referred to as CO codes in this document). The term CO code or NXX refers to sub-NPA destination codes for addressing. Sub-NPA refers to digits D-E-F of a 10-digit the NANP Area address, e.g., 740 is the CO code (NXX) in (201) 740-1111. Examples of uses for CO codes (NXX) for which these guidelines apply include plain old telephone service (POTS), Centrex, Direct Inward Dialing (DID), cellular mobile service, pagers, data lines, facsimile, coin phones, and customer owned pay phones. While these guidelines were developed at the direction of the FCC,¹ they do not supersede controlling appropriate NANP Area governmental or regulatory principles, procedures and requirements. These industry consensus guidelines are expected to apply throughout the NANP Area subject to procedures and constraints of the NANP Area administrations unless the affected administrations direct otherwise.

These guidelines apply only to the assignment of CO codes (NXX) within geographic numbering plan areas (NPAs). This does not preclude a future effort to address non-geographic NPAs in the same guidelines.² **CO codes (NXXs) are assigned for use at a Switching Entity or Point of Interconnection they own or control. Entities assigned CO Codes are termed "code holders".** While the ultimate delivery of any call to a CO code (NXX) need not be geographically identified, by necessity initial routing is geographically defined. Therefore, for assignment and routing purposes, the CO code (NXX) is normally associated with a specific geographic location within an NPA, from which it is assigned. For some companies this is also used for billing purposes.

2.0 Assumptions and Constraints

The development of the assignment guidelines include the following assumptions and constraints.³

¹ This effort has been undertaken at the direction of the Federal Communications Commission (FCC), in a letter to NANPA dated June 21, 1991, in an attempt to develop guidelines that can be applied uniformly while using a finite numbering resource in the most efficient and effective manner possible.

² Separate guidelines apply to the assignment of NXX codes within currently assigned Service Access Codes (SACs), and others will be developed, as appropriate, as new SACs are assigned by NANPA. For example, NXX assignment guidelines for the 800 and 900 SACs are available. Separate guidelines also will be prepared to address the assignment of numbering resources reserved for non-geographic applications.

³ At present, various procedures are employed to recover costs associated with the assignment and implementation of codes. The treatment of these or any future costs associated with CO code assignments is not addressed in these guidelines.

- 2.1 NANP resources, including those covered in these guidelines, are collectively managed by the North American Telecommunications industry with oversight of the North American regulatory authorities.

The NANP resources are considered a public resource and are not owned by the assignees. Consequently, the resources cannot be sold, brokered, bartered, or leased by the assignee for a fee or other consideration.

If a resource is sold, brokered, bartered, or leased for a fee, the resource is subject to reclamation by the administrator.

- 2.2 These guidelines are intended to apply before and after implementation of interchangeable NPAs (INPA) in January 1995.

- 2.3 NANP numbering resources shall be assigned to permit the most effective and efficient use of a finite numbering resource in order to prevent premature exhaust of the NANP and delay the need to develop and implement costly new numbering plans. Efficient resource management and code conservation are necessary due to the industry impacts of expanding the numbering resource (e.g., expansion from 10 to 11 digits). Impacts to the industry include:

- Customer impacts (e.g., dialing, changes to advertising and stationary, etc.)
- CPE modifications
- Domestic and international switching hardware and software modifications
- Operational support systems modifications
- Reprogramming of non-telecommunications data bases that contain telephone numbers.

- 2.4 These guidelines treat the assignment of central office codes (NXX), including submission of new assignments for inclusion in the Routing Data Base System (RDBS),⁴ Bellcore Rating Input Database System (BRIDS) and LIDB Access Support System (LASS) so that notification to the industry can take place through RDBS outputs. Examples of these outputs are the Local Exchange Routing Guide (LERG) and the NPA/NXX Activity Guide (NNAG), BRIDS outputs such as the Terminating Point Master (TPM) and the NPA/NXX Vertical

⁴ Canadian NNX/NXX codes are not currently included in RDBS and hence not shown in the LERG. They are included in BRIDS and shown in the TPM, NPA/NXX VHCD and other BRIDS outputs.

and Horizontal Coordinates Data (VHCD), and LASS outputs such as the LIDB Access Routing Guide (LARG). Implementation of these assignments is beyond the scope of these guidelines.

- 2.5 The applicant must be licensed or certified to operate in the area, if required, and must demonstrate that all applicable regulatory authority required to provide the service for which the central office code is required has been obtained.
- 2.6 The guidelines should provide the greatest latitude in the provision of telecommunications services while effectively managing a finite resource.
- 2.7 These assignment guidelines may not apply to an environment where number portability exists. If and when number portability within an NPA becomes an issue, a set of guidelines may be required.
- 2.8 These guidelines do not address the issue of who will fulfill the role of Code Administrator(s). The guidelines described herein were developed by the industry without any assumption on who should be the Code Administrator(s).⁵
- 2.9 Administrative assignment of the CO code (NXX) public resource by an entity does not imply ownership of the resource by the entity performing the administrative function, nor does it imply ownership by the entity to which it is assigned.
- 2.10 Audits of both Code Administrator(s) and code applicants/holders may be performed to: 1) ensure uniformity in application of these guidelines by a Code Administrator to all code requests received by that Code Administrator, 2) ensure consistent application of these guidelines among all Code Administrators in the event there is more than one Code Administrator, 3) ensure compliance with these guidelines by code applicants and Code Administrator(s), and 4) ensure the efficient and effective use of numbering resources by code applicants/holders and management of numbering resources by Code Administrator(s).
- 2.11 An applicant is not required to provide any additional explanation or justification of items that he/she has certified. However, certification alone may not provide the Code Administrator(s) with sufficient information upon which to make a

⁵ A list of the current Code Administrator(s) is available upon request from NANPA (See Section 9).

decision regarding code assignment, and additional dialog may follow. The Code Administrator(s) is still obliged to reply within 10 business days.

3.0 Assignment Principles

The following assignment principles apply to all aspects of the CO code (NXX) Guidelines:

- 3.1 **CO codes (NXXs) are assigned to entities for use at a Switching Entity or Point of Interconnection they own or control.** Central office codes (NXX), as part of NANP telephone numbers, are to be assigned only to identify initial destination addresses in the public switched telephone network (PSTN), not addresses within private networks.
- 3.2 Central office codes (NXX) are a finite resource that should be used in the most effective and efficient manner possible. All applicants for central office codes (NXX) will be required to provide technical and, for an additional code request, quantitative support for their code requests, to demonstrate that these guidelines are satisfied. The quantitative information required for an additional code request (i.e., The Months to Exhaust Certification Worksheet) should be retained by the applicant for use in the event of an audit or regulatory initiative. (See Section 4.2.1)
- 3.3 Information that is submitted by applicants in support of code assignment shall be kept to a minimum, shall be uniform for all applicants, and on request shall be treated as proprietary and adequately safeguarded. Information requested for RDBS and BRIDS will become available to the public upon input into those systems.
- 3.4 Central office codes shall be assigned in a fair and impartial manner to any applicant that meets the criteria for assignment as detailed in Section 4.0.
- 3.5 Applicants for central office codes must comply with all applicable local governmental, state, federal and the NANP Area governmental regulations relative to the services they wish to provide.
- 3.6 Any entity that is denied the assignment of one or more central office codes under these guidelines has the right to appeal that decision per Section 11.

- 3.7 Affected parties⁶ in a given geographic area have the right and will be given the opportunity to participate as early as possible in the process of determining the alternatives for addressing CO code (NXX) exhaust and relief in that area before the Code Administrator(s) submits a final recommendation to the relevant regulatory body.

4.0 Criteria for the Assignment of Central Office Codes

The assignment criteria in the following sections shall be used by Code Administrator(s) in reviewing a central office code assignment request from a service provider for an initial and/or an additional code:

- 4.1 **CO codes (NXXs) are assigned to entities for use at at a Switching Entity or Point of Interconnection they own or control.** Assignment of the initial code(s) will be to the extent required to terminate PSTN traffic as authorized or permitted by the appropriate regulatory or governmental authorities, and provided all the criteria in Sections 4.1.1 through 4.1.3 are met. An initial code assignment will be based on identification of a new switching entity, physical point of interconnection (POI), or unique rate center⁷ consistent with regulatory restriction. Utilization criteria or projection will not be used to justify an initial NXX assignment.
- 4.1.1 The applicant must certify a need for NANP numbers, e.g., provision of local or cellular service in the Public Switched Telephone Network.
- 4.1.2 The applicant must submit an NXX request form certifying that a need exists for an NXX assignment to a point of interconnection or a switching entity due to routing, billing or tariff requirements. The NXX request form must provide an Operating Company Number (OCN) which uniquely identifies the applicant.
- 4.1.3 The applicant must be licensed or certified to operate in the area, if required, and must demonstrate that all applicable regulatory authority required to provide the service for which the central office code is required has been obtained.

⁶ Affected parties are a) those entities that have applied for and/or received central office code (NXX) assignments or reservations within the NPA per Section 4.0 of these Guidelines; b) all interested members of the industry within the affected NPA.

⁷ Multiple NXX codes, each associated with a different rate center, may be assigned to the same switching entity/POI. Such arrangements may require "Meet Point Billing-like" considerations to permit proper recovery of interconnection charges (see also Section 6.2.3).

-
- 4.1.4 All information provided on the NXX request form will be considered confidential, with selected information made available publicly only for those fields that must be input to the RDBS and BRIDS. The information placed in the RDBS or BRIDS becomes public upon assignment of the new code in the appropriate routing data base product.
- 4.2 Assignment of additional code(s) will be made for an established point of interconnection or switching entity by satisfying one of the criteria in Sections 4.2.1 to 4.2.3. By completing the request form, the applicant certifies that their existing resources cannot reasonably meet this requirement.
- 4.2.1 For additional codes for growth, each code holder will certify that existing codes for the switching entity/POI, per service provided by that switching entity or POI, will exhaust within 12 months and will have documented and be prepared to supply as described in this Section, Section 2, and Appendix A (Audits) supporting data in the form of:
1. Telephone Numbers (TNs) Available for Assignment
 2. Growth history for 6 months
 3. Projected demand for the coming 12 months (See Appendix B).
- 4.2.2 An additional code(s) is necessary for distinct routing, rating, or billing purposes (e.g., Calling Party Pays).⁸
- 4.2.3 An additional code(s) is necessary for other reasons. The applicant must provide an explanation of why existing resources assigned to that entity cannot satisfy this requirement.
- 4.3 NXX code sharing between carriers, in which portions of the NXX codes are assigned to multiple switching entities/POI's, should be avoided unless mutually agreed to by affected parties.

When a single switching entity/POI provides access for multiple carriers (i.e., wireless and wireline carriers), and the need for numbers for either carrier is less than a full code (10,000 numbers), the unused numbers from an NXX code serving one of these carriers can be made available for any carrier served

⁸ Any additional information that can be provided by the code applicant may facilitate the processing of that application.

by the switching entity/POI, with the following exception: not more than one cellular carrier should utilize numbers from a single NXX.⁹

- 4.4 Codes shall be assigned on a first-come, first-served basis. Good faith efforts shall be made to eliminate or to minimize the number of reserved codes. Special requirements exist in a jeopardy NPA situation. See Section 8.4 (d). Reservation is permitted if the applicant can demonstrate the reservation of the code is essential to accommodate technical or planning constraints or pending regulatory approval of a tariff and/or certification/registration if appropriate documentation to be provided should demonstrate that a request for regulatory certification/registration has been submitted to one appropriate regulatory body to provide service when the applicant has provided a proposed use date within twelve months.

Upon written request to the Code Administrator(s), one reservation extension of six months will be granted when the proposed code use date will be missed due to circumstances beyond the control of the applicant (e.g., hardware, software provision delays, regulatory delays, etc.). See Section 7.

No reservation will be made unless the applicant will meet the requirements of code assignment as outlined in Section 4 for initial codes or for additional codes, dependent upon whether the reserved code is to be an initial or additional code.

If a reserved code is not activated within eighteen months, the code will be released from reservation. See Section 7.

When the reservation was due to technical constraints (e.g., Step-by-Step switches) solely, the reservation will be extended until the constraint is no longer present.

- 4.5 A code assignment should not be delayed to an applicant who meets all certification and licensing requirements, if any, when all required tariff filings have been made to provide the service, when approval can be reasonably expected within the established tariff approval timeframe, and when the expected tariff approval date will fall on or before the requested effective date.

5.0 CO Code (NXX) Assignment Functions

⁹ In certain situations there are technical, billing, service delivery, roaming, and/or tariff reasons that require partial and/or different NXX assignments.

The Code Administrator(s) shall:

- 5.1 Provide copies of the central office code assignment guidelines when requested by applicants, including timely notification of changes.
- 5.2 Receive and process applications for CO codes (NXX) from within the geographic NPA for which the CO Code Administrator(s) is responsible.
 - 5.2.1 Receive NXX Code request and determine if the request is in compliance with code assignment policies and guidelines.
 - 5.2.2 Respond within 10 working days from the date of receipt of an application form by completing the response portion that is part of these guidelines.
 - 5.2.3 Review the documentation and determine if the code request is in compliance with these code assignment policies and guidelines. In cases where a code application is denied, provide specific reasons for the denial to the applicant in writing and where to make an appeal.
 - 5.2.4 Select an unassigned code for assignment.
 - 5.2.5 For electro-mechanical switches, perform technical analysis as necessary to determine the appropriate CO code (NXX) to assign.
 - 5.2.6 Perform the notification functions in jeopardy NPA situations. See Section 8.3(a).
 - 5.2.7 Maintain records on codes assigned plus those available.
 - 5.2.8 Collect and forward to NANPA records of codes assigned or used in the Central Office Code Utilization Survey (COCUS).
 - 5.2.9 Ensure, concurrent with assignment of an NXX to code applicant, that an NPA, NXX, and the OCN of the code applicant are input to RDBS to indicate that a specific NXX has been assigned to an applicant. This will allow for additional entries into RDBS which may or may not be performed by the Code Administrator.
 - 5.2.10 Perform the code reclamation procedures outlined in Section 7.